United Nations A/53/755

General Assembly

Distr.: General
17 December 1998
English
Original: Arabic

Fifty-third session
Agenda item 135

Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

Report of the Fifth Committee

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I. Introduction

1. At its 3rd plenary meeting, on 15 September 1998, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its fifty-third session the item entitled "Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991" and to allocate it to the Fifth Committee.

2. For its consideration of the item, the Committee had before it the following documents:

(a) Report of the Secretary-General on the conditions of service for the judges of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda (A/52/520);

(b) Report of the Advisory Committee on Administrative and Budgetary Questions on the revised budget estimates for 1998 and proposed requirements for 1999 of the International Tribunal for the Former Yugoslavia (A/53/651);

(c) Report of the Secretary-General on the financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 (A/C.5/52/47);

(d) Report of the Secretary-General on the revised estimates for the year 1998 (A/C.5/53/12);

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(e) Report of the Secretary-General containing the 1999 resource requirements for the financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 (A/C.5/53/13);

(f) Identical letters dated 5 May 1998 from the Secretary-General addressed to the President of the General Assembly and the President of the Security Council (A/52/891).

3. The Fifth Committee considered the item at its 32nd, 34th, 35th, 37th and 45th meetings, on 20, 23, 24 and 30 November and 17 December 1998. Statements and observations made in the course of the Committee's consideration of the item are reflected in the relevant summary records (A/C.5/53/SR.32, 34, 35, 37 and 45).

II. Consideration of draft resolution A/C.5/53/L.22

4. At its 45th meeting, on 17 December, the representative of New Zealand and coordinator of the informal consultations on the item introduced a draft resolution entitled "Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991" (A/C.5/53/L.22), which was submitted by the Chairman on the basis of informal consultations.

5. At the same meeting, the Committee adopted draft resolution A/C.5/53/L.22 without a vote (see para. 6).

III. Recommendation of the Fifth Committee

6. The Fifth Committee recommends to the General Assembly the adoption of the following draft resolution:

Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

The General Assembly,

Taking note of the reports of the Secretary-General on the financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991[1] and the related report of the Advisory Committee on Administrative and Budgetary Questions,[2]

Recalling its resolution 47/235 of 14 September 1993 on the financing of the Tribunal and its subsequent resolutions thereon, the latest of which was resolution 52/217 of 22 December 1997,

Recalling also that, by paragraph 5 of its resolution 52/217, it agreed to defer the consideration of the pension entitlement for members of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda proposed in the

[1] A/C.5/53/12 and A/C.5/53/13.

[2] A/53/651.

report of the Secretary-General[3] until the review of the report of the Secretary-General on the emoluments and pension scheme of members of the International Court of Justice submitted to the General Assembly at its current session,[4]

1. *Takes note* of the observations and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions,[2] subject to the provisions of the present resolution;

2. *Expresses its concern* about the late submission of the budget proposal for 1999, and reiterates its request in its resolution 50/212 C of 7 June 1996 that future budget proposals be submitted before 1 November of each year;

3. *Also expresses its concern* about the format of the presentation of the 1999 budget proposals which was not succinct, was repetitious in some instances, lacked justification in certain cases and was at times inconsistent;

4. *Requests* the Secretary-General to improve the presentation of future budget proposals, which should also take into account the provisions of the present resolution;

5. *Also requests* the Secretary-General, with a view to evaluating the effective operation and functioning of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda with the objective of enhancing the efficient use of the resources of the Tribunals, to conduct, in full cooperation with the Presidents of the Tribunals, a review, as recommended by the Advisory Committee in its reports,[5] and in the statement made before the Fifth Committee at its 37th meeting,[6] without prejudice to the provisions of the Statutes of the Tribunals and their independent character, and to report thereon to the relevant organs of the United Nations;

6. *Further requests* the Secretary-General to submit the report called for in paragraph 5 above, along with the budget proposals for 2000, no later than 1 November 1999;

7. *Expresses concern* about the high vacancy rate in the Professional and General Service categories of staff of the Tribunal, and requests the Secretary-General to take all necessary measures, including those relating to the recruitment process, to address this situation, and to report thereon to the General Assembly in the budget proposals for the year 2000;

8. *Requests* the Secretary-General to include information on the monthly post incumbency in future budget proposals;

9. *Reaffirms* that gratis personnel shall be phased out by 31 December 1998, in accordance with paragraph 2 of its resolution 52/217 of 22 December 1997;

10. *Reaffirms also* that gratis personnel should be treated in accordance with the provisions of its resolutions 51/243 of 15 September 1997 and 52/234 of 26 June 1998;

11. *Emphasizes* that the delegation of authority for human resources management should be strictly in accordance with the existing Staff Regulations and Rules;

12. *Also emphasizes* that recruitment of staff in the Tribunal should be in accordance with Article 101.3 of the Charter of the United Nations;

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[3] A/52/520.

[4] A/C.5/53/11.

[5] A/53/651, paras. 65–67, and A/53/659, paras. 84–86.

[6] See A/C.5/53/SR.37, para. 43.

13. *Notes with concern* that a number of workload indicators are inaccurate, inflated and unjustifiable;

14. *Requests* the Secretary-General to ensure that the workload indicators are monitored and checked for accuracy and consistency;

15. *Also requests* the Secretary-General to include a section in future budget proposals on the implementation of the recommendations of oversight bodies;

16. *Further requests* the Secretary-General to maintain an accounting inventory record of the furniture and equipment acquired for the Tribunal since its establishment (purchase and depreciation) in accordance with the relevant regulations and rules and relevant resolutions of the General Assembly, and to provide a succinct summary of that information in the next report on the financing of the Tribunal;

17. *Requests* the Secretary-General to include in future budget proposals information on those items in the current inventory for which proposals for replacement and/or additions are made, in the format used in peacekeeping budget proposals;

18. *Also requests* the Secretary-General to take all necessary actions to ensure that the Tribunal is administered with maximum efficiency and economy;

19. *Stresses* the need to provide to the Tribunal resources adequate to fulfil its mandated activities and to respond effectively to new challenges, and emphasizes the necessity of efficient and effective use of its resources;

20. *Approves* the budgetary recommendations of the Advisory Committee as contained in paragraph 27 of its report;[2]

21. *Notes* that by its resolution 53/___, the General Assembly has approved a revised salary and other conditions of service, including the pension entitlement, for members of the International Tribunals, resulting in additional requirements of 219,700 United States dollars net in 1999, as recommended by the Advisory Committee,[7] for the International Tribunal for the Former Yugoslavia;

22. *Decides* that the five Professional and two General Service posts in The Hague, currently funded against the budget of the International Criminal Tribunal for Rwanda, should be transferred from the staffing table and the related financial provisions of the International Criminal Tribunal for Rwanda to the staffing table and the budget of the International Tribunal for the Former Yugoslavia effective 1 January 1999, resulting in additional requirements of 666,900 dollars gross (551,800 dollars net) in 1999 for the International Tribunal for the Former Yugoslavia;

23. *Decides* to revise the level of appropriation for the year 1998 to the Special Account for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 to a total amount of 68,314,500 United States dollars gross (61,941,400 dollars net) for the period from 1 January to 31 December 1998;

24. *Decides also* to appropriate to the Special Account for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 a total amount of 103,437,600 United States dollars gross (94,103,800 dollars net) for the period from 1 January to 31 December 1999, which also includes provisions for the revised salary and other conditions of service, including the pension entitlement, for members of the International Tribunals;

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[7] See A/53/7/Add.6.

25. *Decides further* that the financing of the appropriation for the period from 1 January to 31 December 1999 under the Special Account for the International Tribunal shall take into account the amount of 3,537,800 dollars, being the unencumbered balance for 1997, the reduction of 515,300 dollars gross (390,200 dollars net) from the initial appropriation for 1998 and the estimated income of 5,200 dollars for 1999, which shall be set off against the aggregate amount of the appropriation, as detailed in the annex to the present resolution;

26. *Decides* to apportion the amount of 49,689,650 United States dollars gross (45,087,900 dollars net) among Member States in accordance with the scale of assessments applicable to the regular budget of the United Nations for the year 1999,

27. *Decides also* to apportion the amount of 49,689,650 United States dollars gross (45,087,900 dollars net) among Member States in accordance with the scale of assessments applicable to peacekeeping operations for the year 1999;

28. *Decides further* that, in accordance with the provisions of its resolution 973 (X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraphs 26 and 27 above, their respective share in the Tax Equalization Fund of the estimated staff assessment income of 9,203,500 dollars approved for the International Tribunal for the period from 1 January to 31 December 1999;

29. *Welcomes* contributions already made to the Voluntary Fund to support the activities of the International Tribunal for the Former Yugoslavia, and invites Member States and other interested parties to make voluntary contributions to the Tribunal both in cash and in the form of services and supplies acceptable to the Secretary-General.

Annex

Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

	Gross	*Net*
	(United States dollars)	
Appropriation for the period from 1 January to 31 December 1999	102 551 000	93 332 300
Financial implications of General Assembly resolution 53/___	219 700	219 700
Provisions for those posts to be transferred from the budget of the International Criminal Tribunal for Rwanda	666 900	551 800
Total appropriation for the period from 1 January to 31 December 1999	103 437 600	94 103 800
Less: reduction in the appropriation for 1998	(515 300)	(390 200)
Estimated income for the period from 1 January to 31 December 1999	(5 200)	—
Unencumbered balance as at 31 December 1997	(3 537 800)	(3 537 800)
Balance to be assessed for the period from 1 January to 31 December 1999,	99 379 300	90 175 800
of which:		
Contributions to be assessed on Member States in accordance with the scale of assessments applicable to the regular budget of the United Nations for the year 1999	49 689 650	45 087 900
Contributions to be assessed on Member States in accordance with the scale of assessments applicable to peacekeeping operations for the year 1999	49 689 650	45 087 900